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IFW

CERTIFICATE OF MAILING UNDER 37 C.F.R. §1.8

I hereby certify that this correspondence is being deposited with the United States Postal Service as first class mail with sufficient postage, in an envelope addressed to: Commissioner for Patents, P. O. Box 1450, Alexandria, VA 22313-1450, on the below date:

Date: October 7, 2004 Name: G. Peter Nichols Signature: G. Peter Nichols

BRINKS HOFER GILSON & LIONE

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re Appln. of: Schneider et al.

Appln. No.: 10/684,140 Examiner: TBA

Filed: October 10, 2003 Art Unit: 1615

For: INCREASING SKIN CELL RENEWAL WITH WATER-SOLUBLE VITAMIN E

Attorney Docket No: 3086-1421 (BH2099.P1)

Commissioner for Patents
P. O. Box 1450
Alexandria, VA 22313-1450

TRANSMITTAL

Sir:

Attached is/are:

☒ Transmittal Letter; Information Disclosure Statement; Form PTO-1449 and cited references B1-B11

☒ Return Receipt Postcard

Fee calculation:

☒ No additional fee is required.

☐ Small Entity.

☐ An extension fee in an amount of $_____ for a _____-month extension of time under 37 C.F.R. § 1.136(a).

☐ A petition or processing fee in an amount of $_____ under 37 C.F.R. § 1.17(_____).

☐ An additional filing fee has been calculated as shown below:

					Small Entity			Not a Small Entity	
	Claims Remaining After Amendment		Highest No. Previously Paid For	Present Extra	Rate	Add'l Fee	or	Rate	Add'l Fee
Total		Minus			x $9=			x $18=	
Indep.		Minus			x 43=			x $86=	
First Presentation of Multiple Dep. Claim					+$145=			+ $290=	
					Total	$		Total	$

Fee payment:

☐ A check in the amount of $_____ is enclosed.

☐ Please charge Deposit Account No. 23-1925 in the amount of $. A copy of this Transmittal is enclosed for this purpose.

☐ Payment by credit card in the amount of $_____ (Form PTO-2038 is attached).

☒ The Director is hereby authorized to charge payment of any additional filing fees required under 37 CFR § 1.16 and any patent application processing fees under 37 CFR § 1.17 associated with this paper (including any extension fee required to ensure that this paper is timely filed), or to credit any overpayment, to Deposit Account No. 23-1925.

10/7/04
Date

Respectfully submitted,
G. Peter Nichols (Reg. No. 34,401)

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I hereby certify that this correspondence is being deposited with the United States Postal Service, with sufficient postage, as first class mail in an envelope addressed to: Commissioner for Patents, P. O. Box 1450 Alexandria, VA 22313-1450 on October 7, 2004

G. Peter Nichols
Name of applicant, assignee or Registered Representative

Signature

October 7, 2004
Date of Signature

Case No. 3086/1421 (BH 2099.P1)

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re Appln. of:	SCHNEIDER ET AL.		
Appln. No.:	10/684,140	Examiner:	TBA
Filed:	October 10, 2003	Art Unit:	1615
For:	INCREASING SKIN CELL RENEWAL WITH WATER-SOLUBLE VITAMIN E		
Attorney Docket No:	3086-1421 (BH2099.P1)		

SUPPLEMENTAL INFORMATION DISCLOSURE STATEMENT

In accordance with the duty of disclosure under 37 C.F.R. §1.56 and §§1.97-1.98, and more particularly in accordance with 37 C.F.R. §1.97(b), Applicants hereby cite the following reference(s):

No.	Date of Publication	Patentee/Applicant/Assignee
5,616,332	4/1/1997	Herstein
6,046,181	4/4/2000	Oonishi et al.
6,437,002	8/20/2002	Ito et al.
2003-0180235	09/25/2003	Grisoni et al.

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FOREIGN ART

DOCUMENT NUMBER Number-Kind Code (if known)	DATE	COUNTRY
JP 11199424	7/29/1999	Japan
WO 02/30194 A1	4/18/2002	WIPO
WO 02/40033 A1	5/23/2002	WIPO
WO 02/40034 A1	5/23/2002	WIPO
WO 03/094882 A1	11/20/2003	WIPO

OTHER ART

1. "Application of Disodium Lauriminodipropionate Tocopheryl Phosphates (Vital ET™) as an Anti-Inflammatory and Moisturizer in Infant and Adult Care (Wipes, Diapers and Creams), Research Disclosure, *Kenneth Mason Publications*, vol. 473, no. 20, pp. 1-4, 2003.

2. International Search Report for PCT Patent Application PCT/US03/39275, filed December 10, 2003

For the Examiner's convenience, Applicants enclose Form PTO-1449 (one sheet), along with a copy of each listed reference for which a copy is required under 37 C.F.R. §1.98(a)(2). The relevance of JP 11-199424 is that the Abstract was identified as a category "X" reference in a search report issued in respect of a counterpart PCT application (copy attached).

Applicants respectfully request the Examiner's consideration of the above reference(s) and entry thereof into the record of this application.

By submitting this Statement, Applicants are attempting to fully comply with the duty of candor and good faith mandated by 37 C.F.R. §1.56. As such, this Statement is

not intended to constitute an admission that any of the enclosed references, or other information referred to therein, constitutes "prior art" or is otherwise "material to patentability," as that phrase is defined in 37 C.F.R. §1.56(a).

In accordance with 37 C.F.R. § 1.97(e)(1), Applicant(s) hereby certify that each item of the information disclosed in this Information Disclosure Statement was cited in a communication from a foreign patent office in a counterpart foreign application not more than three months prior to filing of the present statement, as evidenced by the date of the enclosed search report.

Applicants have calculated no fee to be due in connection with the filing of this Statement. However, the Director is authorized to charge any fee deficiency associated with the filing of this Statement to a deposit account, as authorized in the Transmittal accompanying this Statement.

Respectfully submitted,

10/7/04
Date

G. Peter Nichols (Reg. No.34,401)

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FORM PTO-1449	SERIAL NO. 10/684,140	CASE NO. 3086-1421 (BH2099.P1)
LIST OF PATENTS AND PUBLICATIONS FOR APPLICANT'S INFORMATION DISCLOSURE STATEMENT	FILING DATE October 10, 2003	GROUP ART UNIT 1615
(use several sheets if necessary)	APPLICANT(S): Schneider et al.	

REFERENCE DESIGNATION **U.S. PATENT DOCUMENTS**

EXAMINER INITIAL		DOCUMENT NUMBER Number-Kind Code (if known)	DATE	NAME	CLASS/ SUBCLASS	FILING DATE
	B1	5,616,332	4/1/1997	Herstein		
	B2	6,046,181	4/4/2000	Oonishi et al.		
	B3	6,437,002	8/20/2002	Ito et al.		
	B4	2003-0180235	09/25/2003	Grisoni et al.		

FOREIGN PATENT DOCUMENTS

EXAMINER INITIAL		DOCUMENT NUMBER Number-Kind Code (if known)	DATE	COUNTRY	CLASS/ SUBCLASS	TRANSLATION YES OR NO
	B5	11199424	7/29/1999	Japan		Abstract
	B6	WO 02/30194 A1	4/18/2002	WIPO		
	B7	WO 02/40033 A1	5/23/2002	WIPO		
	B8	WO 02/40034 A1	5/23/2002	WIPO		
	B9	WO 03/094882 A1	11/20/2003	WIPO		

EXAMINER INITIAL	OTHER ART – NON PATENT LITERATURE DOCUMENTS (Include name of author, title of the article (when appropriate), title of the item (book, magazine, journal, serial, symposium, catalog, etc.), date page(s), volume-issue number(s), publisher, city and/or country where published.	
	B10	"Application of Disodium Lauriminodipropionate Tocopheryl Phosphates (Vital ET™) as an Anti-Inflammatory and Moisturizer in Infant and Adult Care (Wipes, Diapers and Creams), Research Disclosure, *Kenneth Mason Publications*, vol. 473, no. 20, pp. 1-4, 2003.
	B11	International Search Report for PCT Patent Application PCT/US03/39275, filed December 10, 2003

EXAMINER	DATE CONSIDERED

EXAMINER: Initial if reference considered, whether or not citation is in conformance with MPEP 609; Draw line through citation if not in conformance and not considered. Include copy of this form with next communication to applicant.